



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation on May 3, 2004

NOTICE OF ACTION TAKEN -- DOCKET OST 1997-2619

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: AEROLITORAL, S.A. de C.V.

Date Filed: April 8, 2004

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to continue to conduct, using small equipment (see below), passenger and cargo charter operations between Mexico and the United States, and other charters in accordance with 14 CFR Part 212.

If renewal, date and citation of last action: May 7, 2003, in this Docket.

Applicant representative: William C. Evans, 202-861-6459 DOT analyst: Allen F. Brown, 202-366-2405

Responsive pleadings: None.

DISPOSITION

Action: Approved.

Action date: May 3, 2004

Effective dates of authority granted: May 3, 2004, through May 7, 2005.

Basis for approval: United States Mexico Air Transport Services Agreement of August 15, 1960, as amended and extended (Agreement).

Conditions: Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations of our standard exemption conditions. In the conduct of these operations, Aerolitoral must adhere to all applicable provisions of the U.S.-Mexico Agreement, and may only use aircraft capable of carrying no more than 60 passengers and having a maximum payload capacity of no more than 18,000 pounds (small equipment). The above grant includes authority to conduct Third and Fourth Freedom charter operations. While we have subjected, consistent with the provisions of the Agreement, Mexican carriers conducting charter operations with large aircraft to prior approval or submission of notice for their Third and Fourth Freedom charters, we determined that any such requirement was not necessary on public interest grounds in this case, since the carrier will be conducting these operations solely with small aircraft. Other charter operations to/from the United States under this authority, however, are subject to prior approval under 14 CFR Part 212.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that our action granting the above-described amendment was consistent with Department policy and with the public interest. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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